

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Nathan Christopher Braun,

No. 23-cv-1413 (KMM/DTS)

Plaintiff,

v.

ORDER

Stearns County Jail,

Defendant.

This matter is before the Court on the Report and Recommendation (“R&R”) of United States Magistrate Judge David T. Schultz, dated January 24, 2024. R&R, ECF No. 34. In the R&R, Judge Schultz recommends that this action be dismissed without prejudice for lack of jurisdiction, and that Plaintiff Nathan Christopher Braun’s Application to Proceed In Forma Pauperis (ECF No. 2), his Motion for Protective Order and Temporary Injunction (ECF No. 24), and his Petition to Perpetuate Testimony by Deposition Pursuant to Fed. R. Civ. P. 26 (ECF No. 26) be denied as moot. No objections have been filed to the R&R.¹

¹ By rule, Mr. Braun had until February 7, 2024 to object to the R&R. Fed. R. Civ. P. 72(b)(1) (providing a 14-day deadline for filing objections); D. Minn. LR 72.2(b)(1) (same). Mail previously sent to Mr. Braun at the Stearns County Jail was returned undelivered in October 2023 and resent to him at the Minnesota Correctional Facility in St. Cloud (“MCF-St. Cloud”), where the online Minnesota Department of Corrections (“DOC”) Offender Locator tool indicated he was then detained. On February 5, 2024, the R&R was also returned because Mr. Braun was no longer at MCF-St. Cloud. No forwarding address is on file for Mr. Braun and the DOC website indicates he is currently “under supervision.” Mr. Braun has not informed the Court of an address where he can receive information regarding his case, including Orders and other notifications to which he must respond. *Soliman v. Johanns*, 412 F.3d 920, 922 (8th Cir. 2005) (“[A] litigant who invokes the processes of the federal courts is responsible for maintaining communication with the court during the pendency of his lawsuit.”).

When a plaintiff objects to an R&R, the Court reviews the portions objected to *de novo* and “may accept, reject or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1); D. Minn. LR 72.2(b)(3). In the absence of specific objections, the Court is not required to conduct a *de novo* review, and instead reviews the R&R for clear error. *Montgomery v. Compass Airlines, LLC*, 98 F. Supp. 3d 1012, 1017 (D. Minn. 2015); *accord Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996).

Having reviewed the R&R for clear error, the Court finds none. The Court agrees with Judge Schultz’s conclusion that jurisdiction is lacking over this matter because there is no live case or controversy. Mr. Braun’s pleadings seek only injunctive relief concerning the conditions of his confinement at the Stearns County Jail. He is no longer at Stearns County Jail, and his injunctive-relief claims concerning conduct at a facility where he is no longer confined are, therefore, moot. His other pending motions are also properly denied as a result.

ORDER

For the reasons set forth above, **IT IS HEREBY ORDERED THAT**

1. The R&R, ECF No. 34, is **ACCEPTED**.
2. Plaintiff’s Application to Proceed IFP, ECF No. 2; Motion for Protective Order and Temporary Injunction, ECF No. 24; and Petition to Perpetuate Testimony by Deposition Pursuant to Fed. R. Civ. P. 26, ECF No. 26, are **DENIED** as moot.
3. This matter is **DISMISSED WITHOUT PREJUDICE** for lack of jurisdiction.

Let Judgment be entered accordingly.

Date: February 27, 2024

s/Katherine Menendez

Katherine Menendez
United States District Judge